



AGENDA OF THE CUPERTINO CITY COUNCIL

Tuesday, May 18, 2021

Non-Televised Closed Session (6:00) and
Televised Regular Meeting (6:45)

CITY COUNCIL

DARCY PAUL, MAYOR

LIANG CHAO, VICE MAYOR

KITTY MOORE, COUNCILMEMBER

HUNG WEI, COUNCILMEMBER

JON ROBERT WILLEY, COUNCILMEMBER

TELECONFERENCE MEETING WITHOUT A PHYSICAL LOCATION

For more information:
(408) 777-3200 | www.cupertino.org

CONDUCT OF BUSINESS

The Mayor is the presiding officer of the City Council. Any member of the public may speak on any item on the agenda for up to three minutes. All statements and questions must be addressed to the Mayor.

City Council hearings serve as a venue for the discussion of sometimes divergent points of view. Please respect the opinions of others and refrain from cheering or clapping. That may delay the meeting or intimidate other persons wishing to express alternate views. Actions that disrupt the meeting will result in a warning, followed by removal if disruption continues.

Oral public comments will be accepted during the teleconference meeting. Comments may be made during "oral communications" for matters not on the agenda, and during the public comment period for each agenda item. Identifying yourself is voluntary and not required to attend the meeting or provide comments.

PUBLIC HEARINGS

The City Council is required by law to hold public hearings on certain matters prior to making its decision. Notice to interested parties is given by legal advertisement in the local newspaper of general circulation at least 10 calendar days preceding the hearing date. Applications requiring public hearings include change of zoning, variances, use permits, and tentative maps.

COUNCIL MEETINGS

The City Council regularly meets the first and third Tuesdays of each month. These meetings are held at 6:45 p.m. Closed sessions, when needed, are normally held at 6:00 p.m. Closed sessions cover items such as personnel, litigation, or the sale, purchase, or lease of property. The law requires certain actions taken in closed session to be reported in open session.

Urgent business, holidays, or election days may trigger special or adjourned meetings. These meetings will be noticed beforehand.

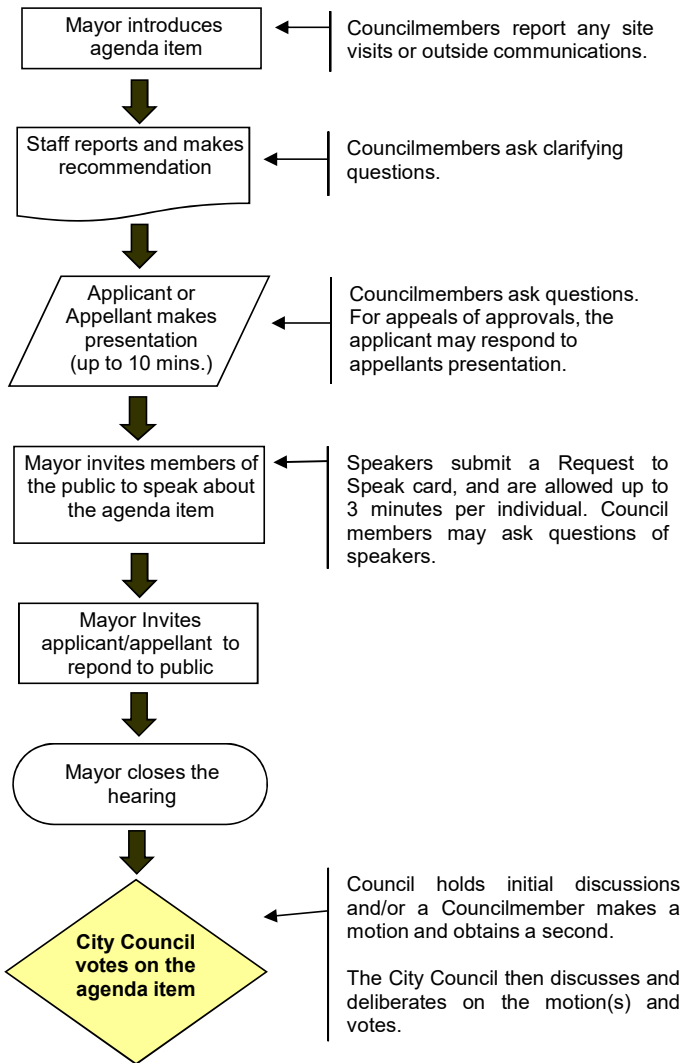
AGENDAS, MINUTES, AND PACKETS AVAILABLE ON THE WEB

Agendas, minutes, and packets for current and prior City Council and Planning Commission meetings are available at www.cupertino.org, or you can purchase the items on CD.

CITY COUNCIL DECISION IS FINAL

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

FLOWCHART FOR HEARING ITEMS:





CITY OF CUPERTINO

AGENDA

CITY COUNCIL

This will be a teleconference meeting without a physical location.

Tuesday, May 18, 2021

6:00 PM

Non-Televised Closed Session (6:00) and Televised Regular Meeting (6:45)

TELECONFERENCE / PUBLIC PARTICIPATION INFORMATION TO HELP STOP THE SPREAD OF COVID-19

In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location to help stop the spread of COVID-19.

Members of the public wishing to observe the open session meeting may do so in one of the following ways:

- 1) Tune to Comcast Channel 26 and AT&T U-Verse Channel 99 on your TV.**
- 2) The meeting will also be streamed live on and online at www.Cupertino.org/youtube and www.Cupertino.org/webcast**

Members of the public wishing comment on an item on the agenda may do so in the following ways:

- 1) E-mail comments for closed or open session by 4:30 p.m. on Tuesday, May 18 to the Council at citycouncil@cupertino.org. These e-mail comments will also be forwarded to Councilmembers by the City Clerk's office before the meeting and posted to the City's website after the meeting.**

- 2) E-mail comments for closed or open session during the times for public comment during the meeting to the City Clerk at cityclerk@cupertino.org. The City Clerk will read the emails into the record, and display any attachments on the screen, for up to 3 minutes (subject to the Mayor's discretion to shorten time for public comments). Members of the public that wish to share a document must email cityclerk@cupertino.org prior to speaking.**

3) Teleconferencing Instructions

Members of the public may provide oral public comments during the teleconference meeting as follows:

Oral public comments will be accepted during the teleconference meeting. Comments may be made during “oral communications” for matters not on the agenda, and during the public comment period for each agenda item.

To address the City Council, click on the links below to access the closed and open session meetings:

CLOSED SESSION

Members of the public may provide oral public comments in open session prior to the closed session teleconference meeting as follows:

To address the City Council, click on the link below to register in advance and access the meeting:

Online

<https://cityofcupertino.zoom.us/j/91078860979>

Phone

Dial: 669-900-6833 and enter Meeting ID: 910 7886 0979 (Type *9 to raise hand to speak).

REGULAR MEETING OPEN SESSION

Members of the public may provide oral public comments during the open session teleconference meeting as follows:

Oral public comments will be accepted during the open session teleconference meeting. Comments may be made during “oral communications” for matters not on the agenda, and during the public comment period for each agenda item.

To address the City Council, click on the link below to register in advance and access the meeting:

Online

R e g i s t e r i n a d v a n c e f o r t h i s w e b i n a r :
https://cityofcupertino.zoom.us/webinar/register/WN_ujHf5XumRGCVUtEJGKhC1A

Phone

Dial: 669-900-6833 and enter Webinar ID: 989 0152 3034 (Type *9 to raise hand to speak, *6 to unmute yourself). Unregistered participants will be called on by the last four digits of their phone number.

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

Meeting ID: 989 0152 3034

SIP: 98901523034@zoomcrc.com

After registering, you will receive a confirmation email containing information about joining the webinar.

Please read the following instructions carefully:

1. You can directly download the teleconference software or connect to the meeting in your internet browser. If you are using your browser, make sure you are using a current and up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers, including Internet Explorer.

2. You will be asked to enter an email address and a name, followed by an email with instructions on how to connect to the meeting. Your email address will not be disclosed to the public. If you wish to make an oral public comment but do not wish to provide your name, you may enter "Cupertino Resident" or similar designation.

3. Prior to the beginning of Closed Session and after Roll Call, members of the public will have an opportunity to speak. When the Mayor calls for the item on which you wish to speak, click on "raise hand," or, if you are calling in, press *9. Speakers will be notified shortly before they are called to speak.

4. When called, please limit your remarks to the time allotted and the specific agenda topic.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this teleconference City Council meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the Council meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

ROLL CALL - 6:00 PM

CLOSED SESSION

1. Subject: Public Employee Appointment (Gov't Code 54957(b)(1)); Title:City Attorney.

RECESS

OPEN SESSION**PLEDGE OF ALLEGIANCE - 6:45 PM****ROLL CALL****CEREMONIAL MATTERS AND PRESENTATIONS - None****POSTPONEMENTS AND ORDERS OF THE DAY****ORAL COMMUNICATIONS**

This portion of the meeting is reserved for persons wishing to address the Council on any matter within the jurisdiction of the Council and not on the agenda. The total time for Oral Communications will ordinarily be limited to one hour. Individual speakers are limited to three (3) minutes. As necessary, the Chair may further limit the time allowed to individual speakers, or reschedule remaining comments to the end of the meeting on a first come first heard basis, with priority given to students. In most cases, State law will prohibit the Council from discussing or making any decisions with respect to a matter not listed on the agenda. A councilmember may, however, briefly respond to statements made or questions posed by speakers. A councilmember may also ask a question for clarification, provide a reference for factual information, request staff to report back concerning a matter, or request that an item be added to a future City Council agenda in response to public comment.

REPORTS BY COUNCIL AND STAFF (10 minutes)

2. Subject: Brief reports on councilmember activities and brief announcements
Recommended Action: Receive brief reports on councilmember activities and brief announcements
3. Subject: City Manager update on emergency response efforts
Recommended Action: Receive City Manager update on emergency response efforts
4. Subject: Report on Committee assignments
Recommended Action: Report on Committee assignments

CONSENT CALENDAR (Items 5-13)

Unless there are separate discussions and/or actions requested by council, staff or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.

5. Subject: Approve the April 20 City Council minutes
Recommended Action: Approve the April 20 City Council minutes
[A - Draft Minutes](#)

6. Subject: Approve the April 27 Joint City Council, Planning Commission, and Housing Commission minutes
Recommended Action: Approve the April 27 Joint City Council, Planning Commission, and Housing Commission minutes
[A - Draft Minutes](#)
7. Subject: Approve the May 4 City Council minutes
Recommended Action: Approve the May 4 City Council minutes
[A - Draft Minutes](#)
8. Subject: Approve the May 5 City Council minutes
Recommended Action: Approve the May 5 City Council minutes
[A - Draft Minutes](#)
9. Subject: Setting a hearing date of June 15, 2021 to declare brush with potential fire hazard a public nuisance and for objections to proposed removal through the Cupertino Brush Abatement Program (Wildland-Urban Interface Fire Area); and consider adopting a resolution declaring properties as having potential fire hazards from brush and authorizing removal.
Recommended Action: Adopt Resolution No. 21-036 declaring properties as having potential fire hazards from brush; and set a hearing date of June 15, 2021 to declare brush with potential fire hazard a public nuisance and to hear objections to proposed removal.
[Staff Report](#)
[A - Draft Resolution](#)
10. Subject: Late submittal of six Teen Commission application letters of recommendation
Recommended Action: Waive late submittal of six Teen Commission application letters of recommendation and direct staff to accept the applications
[Staff Report](#)
[A - Adopted Resolution No. 18-019](#)
[B - Teen Commission application form](#)
[C - Email to letter of recommendation drafter](#)
11. Subject: Award of Design Services Contract for the Stevens Creek Boulevard Class IV Bikeway - Phase 2 Wolfe Road to Highway 85 Project (Project No. 2021-11)
Recommended Action: Authorize the City Manager to Award a Design Services Contract with Pakpour Consulting Group in the Amount of \$213,863 for the Stevens Creek Boulevard Class IV Bikeway - Phase 2, Wolfe Road to Highway 85 Project, and Authorize the Director of Public Works to Execute any Necessary Additional Services, up to the Contingency Amount of \$17,300 for a Total Authorized Contract Amount of \$231,163.

[Staff Report](#)
[A - Draft Agreement](#)

12. Subject: Accept Treasurer's Investment Report for period ending March 31, 2021
Recommended Action: Accept Treasurer's Investment Report for period ending March 31, 2021
[Staff Report](#)
[A - Treasurer's Report 3.31.21](#)
[B - Wells Fargo Custodial Statement 3.31.21](#)
[C - Wells Fargo Workers' Compensation Statement 3.31.21](#)
[D - Wells Fargo Operating Statement 3.31.21](#)
[E - Local Agency Investment Fund Statement 3.31.21](#)
13. Subject: Resolution No. 21-037 approving City Investment Policy
Recommended Action: Adopt Resolution No. 21-037 approving City Investment Policy
[Staff Report](#)
[A - Cupertino Investment Policy \(redline\)](#)
[B - Resolution No. 21-XXX](#)

SECOND READING OF ORDINANCES

14. Subject: Consider and act on Ordinance No. 21-2227: "An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 10.90 of Title 10 (Public Peace, Safety, and Morals) to prohibit smoking in multi-unit housing and certain outdoor areas"
Recommended Action: Conduct the second reading and enact Ordinance No. 21-2227: "An Ordinance of the City Council of the City of Cupertino amending City Code Chapter 10.90 of Title 10 (Public Peace, Safety, and Morals) to prohibit smoking in multi-unit housing and certain outdoor areas," which also adds setback requirements for designated smoking areas and includes detached ADUs and JADUs in the regulations, and which includes a finding that the Ordinance is exempt from CEQA
[A - Draft Ordinance to Regulate Smoking](#)

PUBLIC HEARINGS - None

ORDINANCES AND ACTION ITEMS

15. Subject: Proposed amendment to the Professional/Consulting Services Agreement between the City of Cupertino and HdL ECONsolutions of an additional \$40,800 as an extension of the contract terms and conditions to provide supplemental Economic Development (ED) staffing services for the City of Cupertino through the fiscal year ending on June 30, 2021. (Previously heard on April 20)
Recommended Action: Approve the proposed amendment of an additional \$40,800 for economic development staffing services through the fiscal year ending on June 30, 2021.

[Staff Report](#)[A - Proposed Amended Professional and Consulting Services Agreement](#)[B - Economic Development Tasks and Transition Plan](#)

16. Subject: Accept the Third Quarter Financial Report for Fiscal Year 2020-21 and City Work Program and Key Project Update; consider adopting Resolution 21-038 approving Budget Modification #2021-140 increasing appropriations by \$787,279 and revenues by \$9,552,599; consider approving \$2,000,000 contribution from the General Fund to the City's Section 115 Pension Trust.

Recommended Action: 1. Accept the City Manager's Third Quarter Financial Report for FY 2020-21 and City Work Program and Key Project Update and provide any input.

2. Adopt Resolution 21-038 approving Budget Modification #2021-140 increasing appropriations by \$787,279 and revenues by \$9,552,599.

3. Approve \$2,000,000 contribution from the General Fund to the City's Section 115 Pension Trust.

[Staff Report](#)[A - Draft Resolution](#)[B - Third Quarter Financial Report](#)[C - Third Quarter Budget Adjustment Journal](#)[D - Amended Budget Detail as of March 31, 2021](#)[E - FY 2020-2021 City Work Program Third Quarter Update](#)

STUDY SESSION

17. Subject: Initial Study Session on Fiscal Year (FY) 21-22 Proposed Budget.

Recommended Action: Conduct initial Study Session on Fiscal Year (FY) 21-22 Proposed Budget and provide direction to staff.

[A. Table of Contents](#)[B. Introduction](#)[C. Budget Message](#)[D. Budget Guide](#)[E. Community Profile](#)[F. Financial Policies](#)[G. Financial Schedules](#)[H. Council and Commissions](#)[I. Administration](#)[J. Law Enforcement](#)[K. Innovation and Technology](#)[L. Administrative Services](#)[M. Parks and Recreation](#)[N. Community Development](#)[O. Public Works](#)[P. Non-Departmental](#)[Q. Appendix](#)

18. Subject: Recommendation from the Parks and Recreation Commission to approve funds in the amount of \$92,900 for the Fiscal Year (FY) 2021-22 Community Funding Grant Program, annual funding for the Cupertino Historical Society in the amount of \$20,000, and approval of final funding amounts for the Community Funding Program, to be included in the Recommended Budget for FY 2021-22

Recommended Action: Consider the recommendation from the Parks and Recreation Commission to approve funds in the amount of \$92,900 for the FY 2021-22 Community Funding Grant Program and consider annual funding for the Cupertino Historical Society in the amount of \$20,000. Determine and approve final funding amounts for the Community Funding Program, to be included in the Recommended Budget for FY 2021-22; and provide direction to staff

[Staff Report](#)

[A – Community Funding Applications and Preliminary Eligibility Evaluations](#)

[B – Commissioner Community Funding Evaluation Form](#)

[C – Evaluation Totals and Parks and Recreation Commission Recommendation](#)

[D – Community Funding Applications Summary](#)

[E - Community Funding Policy](#)

[F – Historical Society Grant Application FY 2021-22](#)

[G – Historical Society Financial Report \(FY 2019-20\)](#)

ORAL COMMUNICATIONS - CONTINUED (As necessary)

COUNCIL AND STAFF COMMENTS AND FUTURE AGENDA ITEMS

ADJOURNMENT

The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is announced unless a shorter time is required by State or Federal law.

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to <http://www.cupertino.org/cityclerk> for a reconsideration petition form.

In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend this teleconference meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, at least 48 hours in advance of the meeting to arrange for assistance. In addition, upon request, in advance, by a person with a disability, meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format.

Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, during normal business hours and in Council packet archives linked from the agenda/minutes page on the Cupertino web site.

IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City.

THE CITY COUNCIL AND STAFF

CITY COUNCIL

Cupertino is a General Law city organized under and subject to statutes of the State of California. It is governed by the five-member City Council with the Mayor as the presiding officer. City Council members are elected at-large to four-year, overlapping terms. Each November a mayor and a vice-mayor are selected by the City Council for a one-year term.

The City Council receives advice and assistance from eleven advisory bodies, which are appointed by the Council. These are the Audit Committee, Bicycle Pedestrian Commission, Fine Arts Commission, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Sustainability Commission, Teen Commission, and Technology, Information, and Communications Commission.

Council members also serve on a variety of regional bodies, including:

- Association of Bay Area Governments
- League of California Cities
- Santa Clara County (SCC) Cities Association
- SCC Emergency Preparedness Council
- SCC Library District
- SCC Emergency Preparedness Commission
- Santa Clara Valley Water Commission and Water District
- SCC Transportation Authority
- West Valley Mayors and Managers

STAFF

The City Manager and the City Attorney are appointed by the Council. The City Manager is responsible for interpreting and carrying out Council policies and direction, and as the chief administrative officer, the City Manager coordinates the many activities of the city and appoints the professional and technical staff. The City Attorney is the advisor to the City Council as a whole.

TYPES OF COUNCIL ACTIONS

ORDINANCES

Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a "first reading." At a subsequent Council meeting, there will be a "second reading and adoption." Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

RESOLUTIONS

Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.

APPEALS

Any interested person, including a Council member, may appeal a Planning Commission or Director of Community Development decision to the City Council. An appeal must be submitted in writing to the City Clerk within 14 calendar days of the mailing of the notice of the decision.

RECONSIDERATION

Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to [www.http://www.cupertino.org/index.aspx?page=125](http://www.cupertino.org/index.aspx?page=125) for a reconsideration petition form.

COMMUNICATING WITH COUNCIL

All Council members:	citycouncil@cupertino.org	
Darcy Paul	DPaul@cupertino.org	(408) 777-3195
Liang Chao	LiangChao@cupertino.org	(408) 777-3192
Kitty Moore	Kmoore@cupertino.org	(408) 777-1398
Hung Wei	HWei@cupertino.org	(408) 777-3139
Jon Robert Willey	JWilley@cupertino.org	(408) 777-3193
Executive Assistant	AshleyS@cupertino.org	(408) 777-8204
City Hall	www.cupertino.org	(408) 777-CITY

Please note: the City Council discourages submission of written materials on the day of the meeting as this does not provide enough time to give the materials fair evaluation. If you must provide written materials on the day of the meeting, as least one copy must be given to the City Clerk for the permanent record, and ten copies are preferred.

NEWS AND NOTICES FROM CITY HALL

EMAIL

Sign up for e-notification of agendas, elections, and other news on the city website at www.cupertino.org/notify

TELEVISION

The City Channel broadcasts City Council and Planning Commission meetings, as well as agenda previews, public service announcements, and other programs of community interest, on Channel 26 in Cupertino. The meetings are shown at these times:

Tuesday (live)	6:45 p.m.	Friday (replay)	10:00 a.m.
Thursday (replay)	7:00 p.m.	Saturday (replay)	9:00 a.m.

INTERNET

City Council and Planning Commission videos are available on demand at www.cupertino.org. Select "I Want To, View City Council meetings".

News and community information can also be found at:

<https://www.facebook.com/cityofcupertino/>

<https://twitter.com/CityofCupertino>

<https://www.instagram.com/cityofcupertino>

AUDIO

Tune into Radio Cupertino, 1670 AM, for meeting announcements, public service messages, and emergency announcements.

USEFUL TELEPHONE NUMBERS

City of Cupertino (City Hall)	General Information and Comments	(408) 777-CITY
Fire (Emergency)	Santa Clara County Fire Dept. dispatch	911
Fire (Non-Emergency)	Santa Clara County Fire Dept.	(408) 378-4010
Garbage	Recology South Bay	(408) 725-4020
Gas & Electricity	Pacific Gas & Electric (PG&E)	1-800-743-5000
Recreation & Community Services	Quinlan Community Center	(408) 777-3120
Police (Emergency)	Santa Clara County Sheriff dispatch	911
Police (Non-Emergency)	Santa Clara County Sheriff	(408) 868-6600
Public Health	Santa Clara County Public Health	(408) 732-3720
Sanitary Sewers	Cupertino Sanitary District	(408) 253-7071
Water	San Jose Water	(408) 279-7900
	California Water	(650) 917-0152